

Translation

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

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| Applicant's or agent's file reference E 10011 PCT | FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) | |
| International application No. PCT/EP2003/006497 | International filing date (day/month/year) 20 June 2003 (20.06.2003) | Priority date (day/month/year) 29 June 2002 (29.06.2002) |
| International Patent Classification (IPC) or national classification and IPC C11D 1/722, 1/825 | | |
| Applicant ECOLAB INC. | | |

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| <p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <u>3</u> sheets.</p> |
| <p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p> |

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| Date of submission of the demand 21 January 2004 (21.01.2004) | Date of completion of this report 01 June 2004 (01.06.2004) |
| Name and mailing address of the IPEA/EP | Authorized officer |
| Facsimile No. | Telephone No. |

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

EP2003/006497

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
pages 1-17, as originally filed
pages, filed with the demand
pages, filed with the letter of
- ☒ the claims:
pages, as originally filed
pages, as amended (together with any statement under Article 19
pages, filed with the demand
pages 1-13, filed with the letter of 27 April 2004 (27.04.2004)
- ☐ the drawings:
pages, as originally filed
pages, filed with the demand
pages, filed with the letter of
- ☐ the sequence listing part of the description:
pages, as originally filed
pages, filed with the demand
pages, filed with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.
These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP03/06497

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | | |
|-------------------------------|--------|------|-----|
| Novelty (N) | Claims | 1-13 | YES |
| | Claims | | NO |
| Inventive step (IS) | Claims | 1-13 | YES |
| | Claims | | NO |
| Industrial applicability (IA) | Claims | 1-13 | YES |
| | Claims | | NO |

2. Citations and explanations

- 1) This report makes reference to the following documents:

D1: EP-A-916717

D2: WO-A-9610069

D3: US-A-5858956

- 2) D1 (table 1, claims) describes aqueous floor-cleaning products containing non-ionic alkoxyated surfactants C13H13O-(PO)-(EO)20-CH2-CHOH-(CH2)7-CH3, C10-14-(EO)4-H and C10-15-(EO)2-8-H. Claim 1 differs from D1 in that, in claim 1, additionally a defined butoxylated non-ionic surfactant of formula (II) is present. The subject matter of claim 1 is therefore novel.

D3 (example 1 B, C, D, claims) describes aqueous floor-cleaning products containing 2-3% ethoxylated alcohols such as dobanol 91-5 or 91-2.5 and 4-3% C8-alcohol-(EO)8-(BO)2-H. Claim 1 differs from D3 in that, in claim 1, additionally a defined non-ionic surfactant of formula (I) is present. The subject matter of claim 1 is therefore novel.

- 3) The problem addressed by the present application is that of providing a floor-cleaning product for manual or machine use, which cleaning product has good cleaning power, good wetting ability, low foam stability, a low foaming level and does not impair shine after drying (no residue, no spotted appearance).

The examples appear to show this (see exception in point 6).

D1 describes floor-cleaning products for machine use, said products containing a combination of ethoxylated alcohol and ethoxylated propoxylated alcohol or alkoxylated hydroxy alcohol with good cleaning power and good dirt-removing behavior.

D3 describes optically clear cleaning products for hard surfaces including linoleum and tiled floors, said products containing ethoxylated alcohol, ethoxylated/butoxylated alcohol, an anionic surfactant and an ethoxylated glycerin derivative (Levenol) and having good cleaning power, improved foam collapsing behavior, good grease removal power and shine.

Neither D1 nor D3 describes or suggests the combination of both surfactants (I) and (II) for solving the stated problem.

The subject matter of claim 1 is therefore inventive.

- 4) Claim 11 describes the use of novel and inventive products according to claim 1. The subject matter of claim 11 is therefore also novel and inventive.

5) Claims 2 to 10 and 12 and 13 are true dependent claims that relate to further embodiments of claims 1 and 11, and therefore meet the requirements of PCT Article 33.

6) It is not clear what the formula of the hydroxydecyl ether used in examples E1-4 looks like, in particular, where the hydroxy group is situated. Consequently, it is unclear whether these examples are covered by the claims (PCT Article 6).

E2 is not covered by claim 1, since only one surfactant was used.